



# **Human Genome Bridge Materials**

**November 2001**

**Faculty of Law  
University of Toronto**

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# HUMAN GENOME BRIDGE MATERIALS

## TABLE OF CONTENTS

Monday, November 5, 2001

### INTRODUCTION

12.30 - 1.00 Colleen Flood and Trudo Lemmens

#### Readings:

- M. Ridley, *Genome: The Autobiography of a Species in 23 Chapters* (New York: Perennial, 2000). pp. 65-75, 161-172, 243-257, 258-271 and 301-313. p 1

### AN OVERVIEW OF THE SCIENCE

1.00 - 2.00 Steve Scherer  
2.00 - 2.30 Discussion  
2.30 - 2.45 Break

#### Readings:

- S. Scherer, "The Human Genome Project" (2001) 2 Can. J. Pol. Res. 11. p36
- B.M. Knoppers & T. Caulfield, "Don't Make Science A Crime" p45  
*The Globe and Mail* (20 August 2001) A13.

### LAW AND FEMINISM

2.45 - 3.45 Roxanne Mykitiuk – "Feminist Perspectives on the  
Commercialization of Genetics"  
3.45 - 4.15 Discussion  
4.15 - 4.30 Break

#### Readings:

- R.F. Devlin, "Jurisprudence For Judges: Or Why Legal Theory Might Matter For Social Context Education" (forthcoming in 2001) Queen's L.J. (extract). p48
- R. Mykitiuk, "Public Bodies, Private Parts – Genetics in a Post-Keynesian Era" p61  
in B. Cossman & J. Fudge, eds., *Privatisation, Law, and the Challenge to Feminism* (forthcoming in 2001).
- J. Polzer, "Genetic testing, Citizenship and Subjectivity: Implications for Women and Health" in F. Miller et al (eds.,) *The Gender of Genetic Futures: The Canadian Biotechnology Strategy: Women and Health* (Toronto: York University, 2000) 55. p84
- A. Lippman "Geneticization and the Canadian Biotechnology Strategy: The Marketing of Women's Health" in F. Miller et al (eds.,) *The Gender of Genetic Futures: The Canadian Biotechnology Strategy: Women and Health* (Toronto: York University, 2000) 33. p93

## MOVIE — BLH

4.30 - 5.00 “Banking our Genes: Ethical & Legal Consequences”

Tuesday, November 6, 2001

## ISSUES RELATING TO PATENTS

### LAW AND PHILOSOPHY

9.00 - 9.55 Lisa Austin – “A Law and Philosophy Approach to Intellectual Property Issues and the Human Genome”

### LAW AND ECONOMICS

10.00 - 10.55 Jon Putnam – “A Law and Economics Approach to Patenting Human Genes”

10.55 - 11.10 Break

## PANEL DISCUSSION

11.10 - 12.10 Lisa Austin & Jon Putnam

### Readings:

- *The Patent Act*, R.S.C. 1985 (3<sup>rd</sup> Supp.). p101
- D.M. Cameron, *Canadian Patent Law Primer* (Toronto: Smith Lyons, 1997). p107
- Myriad Genetics, Inc. & others, *In Vivo Mutations and Polymorphisms in the 17q-Linked Breast and Ovarian Cancer Susceptibility Gene*, International Publication Number: WO 96/05306, 22 February 1996. p120
- Myriad Genetics, Inc., & others, *Method for Diagnosing a Predisposition for Breast and Ovarian Cancer*, International Publication Number: WO 96/05308, 22 February 1996. p138
- Myriad Genetics, Inc., & others, *17-q Linked Breast and Ovarian Cancer Susceptibility Gene*, International Publication Number: WO 96/05307, 22 February 1996. p139
- P. Newman, “Intellectual Property Law and the New Biology” (Summer 1997) Judges’ J. 46. p146
- E.C. Hettinger, “Justifying Intellectual Property” (1989) 18 Phil. & Public Affairs 31. p151
- M.J. Trebilcock, “An Introduction to Law and Economics” (1997) 23:1 Monash U.L. Rev. 123 at 123-147. p163

## LUNCH

12.10 - 1.10

## LAW AND HUMAN RIGHTS



1.10 - 2.10 Catherine Frazee – “Disability and the New Genetics”

## INDIGENOUS PEOPLE AND LAW

2.15 - 3.15 Deborah Harry – “Indigenous Peoples, Genes and Genetics”

3.15 - 3.30 Break

## PANEL DISCUSSION

3.30 - 4.30 Catherine Frazee and Debra Harry

### Readings:

- S.M. Wolf, “Beyond ‘Genetic Discrimination’: Toward the Broader Harm of Geneticism” (1995) 23 Jnl Law. Med & Ethics 345. p176
- C. Frazee, “Obscuring Disability: The Pursuit of ‘Quality’ in the CBS” in *The Gender of Genetic Futures: The Canadian Biotechnology Strategy, Women and Health* (Proceedings of a National Strategic Workshop, York University, September 2000). p185
- D. Harry and F.C. Dukepoo, *Indians, Genes and Genetics: What Indians Should Know about the New Biotechnology* (Indigenous Peoples Coalition Against Biopiracy, 1998), online: Indigenous Peoples Council on Biocolonialism website, <<http://ipcb.org/pub/primer.pdf>> last modified 23 October 2001. p190
- “Introduction to Indigenous Research Protection Act,” online: Indigenous Peoples Council on Biocolonialism website, <<http://ipcb.org/pub/irpaintro.html>> last modified 23 October 2001. p196
- D. Harry, “Biopiracy and Globalization: Indigenous People’s Face a New Wave of Colonialism” (Comments at the International Forum on Globalization Teach-in held in New York, February 2001), online: Indigenous Peoples Council on Biocolonialism website, <<http://ipcb.org/pub/globalization.pdf>> last modified 23 October 2001. p198

### Recommended Reading:

- D. Nelkin, “Social Power of Genetic Information” in D.J. Kevles & L. Hood, eds., *The Code Of Codes: Scientific And Social Issues In The Human Genome Project* (Cambridge, Mass.: Harvard University Press, 1993, c1992). (on reserve at the law library).
- “Indigenous Research Protection Act,” online: Indigenous Peoples Council on Biocolonialism website, <<http://ipcb.org/pub/irpaintro.html>> last modified 23 October 2001.
- D. Harry, S. Howard, B.L. Shelton, “Indigenous Peoples, Genes and Genetics: What Indigenous People Should Know About Biocolonialism”, online: Indigenous Peoples Council on Biocolonialism website, <<http://ipcb.org/pub/ipgg.pdf>> last modified 23 October 2001.

Wednesday November 7th, 2001

## LAW AND THEORIES OF JUSTICE

9.00 - 9.55 Trudo Lemmens – “Just Testing? Genetics and Insurance”

## LAW, ECONOMICS, AND INSTITUTIONS

10.00 - 10.55 Colleen Flood – “Medicare, Myriad, and the Allocation of Genetic Tests”

10.55 - 11.10 Break

## PANEL DISCUSSION

11.10 - 12.10 Trudo Lemmens and Colleen Flood

### Readings:

- R.J. Pokorski, “Genetic Information and Life Insurance” (1995) 376 Nature 13. p202
- T. Lemmens “Selective Justice, Genetic Discrimination and Insurance: Should We Single Out Genes in Our Laws?” (2000) 45 McGill L.J. 347-412. p204
- M. Walzer, *Spheres of Justice: A Defense of Pluralism and Society* (New York: Basic Books, 1983), pp 3-10; 17-26; 78-91. p269
- M.J. Trebilcock, “An Introduction to Law and Economics” (1997) 23 Monash U.L. Rev 123 at 153-156. p287
- C.M. Flood, M. Stabile & C. Hughes Tuohy, “The Borders of Solidarity: How Countries Determine the Public/Private Mix in Spending and the Impact on Health Care” [forthcoming in *Health Matrix*, Summer 2002]. p291
- T. Caulfield, M. Burgess, B. Williams-Jones, “Providing Genetic Testing Through the Public Sector: A View from Canada” (2001) 2 Can. J. Pol. Res. 72. p315
- C. Abraham, “Tenacious woman scores medical victory: Fiona Webster’s fight opens access to genetic breast-cancer test” *The Globe & Mail* (27 August 1999) A1. p325
- *Health Insurance Act*, General Regulation, R.S.O. 1990, Reg. 552, s. 28.4. p327
- “Ontario defies U.S. gene company over cancer test, arguing health care at risk” *Canadian Press* (19 September 2001). p329
- T. Clement, “The Myriad Gene Patent Issue” (Speech at Meeting of the Ontario Advisory Committee on Predictive Genetic Technology, 19 September 2001), online: Ontario Ministry of Health and Long Term Care Homepage <[http://www.gov.on.ca/health/english/news/speech/sp\\_091901\\_tc.html](http://www.gov.on.ca/health/english/news/speech/sp_091901_tc.html)> (last modified: 22 October 2001). p331

### Recommended Reading:

- T. Lemmens and L. Austin, “The Challenges of Regulating the Use of Genetic Information” (2001) 2 ISUMA: Can. J. Pol. Res. 26. (on reserve at the law library or online at [http://www.isuma.net/v02n03/lemmens/lemmens\\_e.pdf](http://www.isuma.net/v02n03/lemmens/lemmens_e.pdf)).



## **LUNCH**

12.10 - 1.10

## **WORKSHOPS**

Location tba by Merrill Randell

1.10 – 3.10

### **1. INSURANCE, EMPLOYMENT and GENETIC TESTING**

Scientists TBA

**Group A-1:** Workshop leaders: Prof. Sujit Choudry and (scientist)

**Group A-2:** Workshop leaders: Prof. Colleen Flood and (scientist)

**Group A-3:** Workshop Leaders: Prof. Bernard Dickens and (scientist)

### **2. EMPLOYMENT and GENETIC TESTING**

**Group B-1:** Workshop Leaders: Justice Stephen Goudge and (scientist)

**Group B-2:** Workshop Leaders: Justice Susan Lang and (scientist)

**Group B-3:** Workshop Leaders: Roxanne Mykitiuk and (scientist)

### **4. PATENTING and GENETICS**

**Group C-1:** Workshop Leaders: Lisa Austin and (scientist)

**Group C-2:** Workshop Leaders: Prof. Trudo Lemmens and (scientist)

**Group C-3:** Workshop Leaders: Prof. Jon Putnam and (scientist)

3.10-3.25 Break

3.25 – 4.55 WRAP-UP PANEL -- BLH

